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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,141	08/23/2001	Douglas A. Cheline	PD-201118	6304

7590

03/15/2006

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EXAMINER

SHAW, PELING ANDY

ART UNIT

PAPER NUMBER

2144

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/940,141		CHELINE ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Peling A. Shaw		2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-20, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-20, 22 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/17/05, 12/14/05</u> | 6) <input type="checkbox"/> Other: _____  |

*pas*

**DETAILED ACTION**

1. Amendment received on 12/08/2005 has been entered. No claim change is made. Claims 1-9, 11-20 and 22-23 are pending.
2. An amendment was previously received on 03/30/2005. Claims 1, 11, 13 and 22 were amended. Claims 10 and 21 were cancelled. Claims 1-9, 11-20 and 22-23 were pending and examined. A Final Rejection was issued on 06/08/2005 and withdrawn with a Non-Final Rejection issued on 08/08/2005.

***Priority***

3. This application has no priority claim made. The filing date is 08/23/2001.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 8-9, 11-16, 19-20 and 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Genty et al (2002/0178361), hereinafter referred as Genty.

- a. As per claims 1, 11, 13 and 22, Genty discloses: receiving a request to establish a VPN session with a server-side system from at least one client computer out of a plurality of client computers coupled to a modem ([0006]: ISDN) within a client-side

system, where said request contains login details for a user of said at least one client computer (figures 1 and 2, paragraphs [0003] and [0216]); determining a network address of said at least one client computer (abstract); authenticating said user based on said user login details (paragraphs [0003], [0011] and [0012]); and establishing a VPN tunnel between said at least one client computer having said network address and said server-side system, where said VPN tunnel is established over said modem (abstract, figures 1 and 2, paragraphs [0015]-[0018]); receiving a new request to establish a new VPN session with a different server-side system from a different client computer out of said plurality of client computers coupled to said modem within said client-side system, where said request contains new login details for a new user of said different client computer (paragraphs [0009], [0040]); determining a new network address of said different client computer (paragraph [0012]); authenticating said new user based on said new use login details (paragraph [0009]); and establishing a new VPN tunnel between said different client computer having said new network address and said new server-side system, where said VPN tunnel is established over said modem (paragraph [0047]).

- b. As per claim 2, Genty teaches obtaining security details from a client (paragraph [0010]).
- c. As per claims 3 and 14, Genty teaches a collection log to extract the network address of at least on computer (paragraph [0010]).
- d. As per claims 4 and 15, Genty teaches storing the network address (abstract).

- e. As per claims 5 and 16, Genty teaches the authentication process (paragraphs [0003], [0011] and [0012]).
- f. As per claims 8 and 19, Genty teaches ascertaining an Internet protocol address of the client (abstract).
- g. As per claims 9 and 20, Genty teaches the use of different Protocol (paragraph [0019]).
- h. As per claims 12 and 23, Genty teaches restricting the VPN tunnel after certain time (paragraphs [0141], [0142]).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Genty et al (2002/0178361).

- a. As per claims 6 and 17, Genty teaches the use of a server (figures 1 and 2). Genty does not teach a Radius server. However, it would have been obvious to one skill in the art to substitute a server for another server in order to enhance the quality of the transmission and reduce the costs. Gentry's sewer and the Radius server are considered functionally equivalent. In re Brown, 459 F. 2d 531, 535, 173 USPQ 685 (CCPA 1972) and In re Bond, 910 F. 2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

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6. Claims 7 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Genty et al (2002/0178361) further in view of Vandergeest et al (2002/0169988).

- a. Genty teaches transmitting the authentication information to the server (paragraph [0003], [0011] and [0012]). Genty does not teach the retransmission of the information.
- b. However, Vandergeest teaches it in paragraph [0039].
- c. Therefore, it would have been obvious to one skill in the art to combine the aforementioned inventions in order to allow the user to digitally sign information, or decrypt information using private keys.

*Response to Arguments*

7. Applicant's arguments filed on 12/08/2005 have been fully considered, but they are not persuasive.

- a. In response to statements on multiple clients establishing multiple VPNs through one modem, the previous action was carefully examined. Gentry is found to contain the limitations cited in the argument. The action is updated accordingly. As cited in [0003], Gentry shows PVN is for multiple members, i.e. client or client computers. Gentry also shows that a client computer would connect via LAN or modem to a network. Gentry shows (fig. 1, [0006]-[0007], [0015]-[0018]) PVN is based upon IPsec/IP over the Internet, ISDN is used as a WAN connection, i.e. to connect LAN to WAN, and PVN is used to connect remotes sites or users together. Gentry has shown multiple clients establishing multiple VPNs (multiple users) through one modem (multiple sites via ISDN modem) via Internet (WAN connection). Here the ISDN modem although cited as a leased line connection, it is still the same as a DSL or Cable modem in terms of providing a permanent Internet connection as Gentry and Applicants suggest. Thus Gentry has the limitations of applicant's argument.

*Remarks*

8. The following pertaining arts are discovered and not used in this office action. Office reserves the right to use these arts in later actions.

- a. Pai et al. (US 6711138 B1) Digital subscriber line/home phoneline network router
- b. Bendinelli et al. (US 20020026503 A1) Methods and system for providing network services using at least one processor interfacing a base network: gateway/IAD shared modem
- c. Gonda et al. (US 6662221 B1) Integrated network and service management with automated flow through configuration and provisioning of virtual private networks: shared modem
- d. Reid et al. (US 6298308 B1) Diagnostic network with automated proactive local experts



*Conclusion*

9. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peling A. Shaw whose telephone number is (571) 272-7968. The examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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*W.C. Vaughn, Jr.*  
WILLIAM C. VAUGHN, JR.  
PRIMARY EXAMINER